

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

Claims 18-37 and 39-56 were rejected under the judicially created doctrine of obviousness-type double patenting as being allegedly unpatentable over claims 1-37 of Yamazaki (US 6,218,714) in view of Vu et al. (US 5,807,771).

The Action states that it would have been obvious to one having ordinary skill in the Art to form the device of the Yamazaki patent on a thin insulator layer since Vu discloses that resistance radiation effects and destruction can be improved by fabricating devices on SOI substrates. The Action also states that the suppression of short channel effects would naturally flow from the suggestion in the prior art.

Applicants maintain their position that there is no motivation to combine Vu with the invention claimed in the Yamazaki patent. First, that the problem addressed in Yamazaki is suppressing short channel effects, is made clear in, e.g., the Abstract and the Background at col. 3, ll. 17-29. Furthermore, there is absolutely no mention of short channel effects in Vu. Therefore, there would be no motivation for one skilled in the art to combine Vu with Yamazaki when Vu does not address the problem being solved. Accordingly, Applicants submit that the examiner's conclusion of obviousness is based on improper hindsight reasoning.

However, Applicants are preparing a terminal disclaimer, which will be submitted in the near future.

In addition, if the change of address of the undersigned has not already been noted, please change the address to that shown and send all correspondence to that address.